

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Flanagan
Application No.: 09/654,987
Filed: September 5, 2000
For: METHOD OF APPLYING A LASER
 BEAM AROUND THE CIRCUMFERENCE
 OF A CATHETER
Examiner: S. Yao
Group Art Unit: 1733

Box Non-Fee Amendment
 Commissioner for Patents
 Washington, D.C. 20231

Docket No: S63.2-8765

#7102C
 PATENT
 5/2/02
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RESPONSE

This paper is submitted in response to the Restriction Requirement dated March 25, 2002 in which an election of an invention was required as well as a species election. Specifically, the Restriction Requirement identifies three inventions, the first invention (group 1) corresponding to claims 1-16, 24-25 and 27-30, the second invention (group 2) corresponding to claims 17-23 and the third invention (group 3) directed to claims 1-16 and 26-30. Groups 1 and 3 differ in that group 1 includes claims 24 and 25 whereas group 3 includes claim 26. Groups 1 and 3 differ in that group 1 includes claims 24 and 25 whereas group 3 includes claim 26.

The Restriction Requirement also identifies eight patentably distinct species, species A, B, M, N, S, T, X and Y and requests that a single species be elected.

In response, Applicant hereby provisionally elects to prosecute Group 1 and species A corresponding to the case where the energy is substantially monochromatic.

Applicant notes, as to the first election, the presence of overlap between groups 1 and 3. As noted in the Restriction Requirement, claims 1-16 and 27-30 are part of both groups 1 and 3. Upon the determination of the allowability of group 1, Applicant requests consideration of claim 26.

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Response

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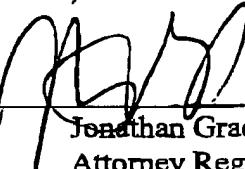
Applicant also notes that claims 18 and 19, identified in the Restriction Requirement as belonging in group 2 should also properly be included in group 1 and examined. Claim 18 is directed to a process for forming a fluid tight seal between a polymeric body and a polymeric dilatation member surrounding the polymeric body where the polymeric body is a catheter tube. Group 1, as identified in the Restriction Requirement, is directed to "a process of sealing at least one polymeric material to a catheter tube." The polymeric material could be a polymeric dilation member, as recited in claim 18. Moreover, the process of sealing can include forming a fluid tight seal (claim 18). Claim 19 is also directed to a process for forming a fluid tight seal between a polymeric body and a polymeric dilatation member surrounding the polymeric body where the polymeric body is a catheter tube.

Finally, Applicant notes that claims 1-3 and 5-30 read on species A.

Respectfully submitted,
VIDAS, ARRETT & STEINKRAUS, P.A.

Date: April 25, 2002

By: _____


Jonathan Grad
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PATENT

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TO: Sam Chuan C. Yao
FACSIMILE NO.: (703) 305-7115
GROUP ART UNIT: 1733
TOTAL NUMBER OF PAGES (including cover letter): 3

DATE: April 25, 2002

TIME: 11:00am.

Dear Mr. Yao:

Enclosed please find the following document for filing:
2 Pg. Response to Restriction Requirement.Please charge any additional fees or credit any overpayment associated with this
communication to Deposit Account No. 22-0350.Respectfully submitted,
VIDAS ARRETT & STEINKRAUS

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark
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Julie A. Parle